

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMARKS

1 PRELIMINARY

Applicants thank the Examiner for providing the opportunity to respond to the outstanding rejection under 35 U.S.C. § 112, second paragraph. In view of the amendment submitted August 13, 2002, claims 1-3, 6 and 11-34 are pending in the application. Claims 6, 15, 17, 19, 21, 24, and 26-32 are amended herewith. Support for the claim amendments can be found in the specification as filed. The amendment of the claims herewith adds no new matter.

2 REJECTIONS

A) The Rejection of Claims 1-6, 11-41 and 46-50 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-6, 11-41 and 46-50 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants' regard as the invention.

In response, Applicants amend in part and traverse in part. The Office Action indicates that claims 2-3, and dependent claims thereon, recite the broad recitation "mammals" and then also recite the narrow limitation "including human." The Office Action indicates that this renders the claims indefinite.

Applicant notes that the amendment filed on August 13, 2002 renders this point moot because the language referred to has been deleted. The claims now recite "human" and do not recite "mammal."

The Office Action states that claims 1-3 recite the limitation "effective synergistic amount," and additionally claims 14-17 recite the limitation "effective period of time." The Office Action indicates that these terms are relative and render the claims indefinite.

Applicants traverse these grounds of rejection. Applicants point out that these terms are defined on page 18, last paragraph, of the specification. Applicants further point out that knowledge in that art and the teachings in the specification provide

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sufficient information to allow one skilled on the art to practice the invention as claimed without undue experimentation. By way of example, on page 53, lines 21-22, the specification teaches that “[t]he optimal concentration of antisense oligonucleotide is established by dose response experiments according to standard protocols.” Applicants’ application is now limited to human DNA methyltransferase antisense oligonucleotides and protein effector molecules. The specification teaches how to identify such molecules. Applicants aver that dosage and time course studies are routine in the art. Therefore, the terms do not render the claims indefinite because one skilled in the art can easily determine the parameters of such terms.

The Office Action states that in claim 38 the term “inhibits expression gene” is vague and indefinite and that the term “in operable association with a protein effector” is vague and indefinite. Applicants note that the rejection on these grounds has been rendered moot by the cancellation of claim 38 in the amendment submitted August 13, 2002.

In view of the amendments and remarks submitted herewith, Applicants respectfully request withdrawal of the outstanding rejection under 35 U.S.C. § 112, second paragraph.

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CONCLUSIONS

It is believed that all of the objections and rejections raised in the outstanding Office Action have been addressed, and the remarks provided herewith have resolved all out-standing issues in the prosecution of the captioned application. Applicants respectfully request allowance of the currently pending claims.

No additional fees are believed to be due in connection with this communication. However, please apply any additional charges, or credit any overpayment, to Deposit Account No. 50-2285. If the Examiner is of the opinion that a telephone conference would expedite prosecution of the captioned application, the Examiner is encouraged to contact Applicants' undersigned representative.

Respectfully submitted,

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